

Open Records and Public Meetings Senate File 2411

Last Action:
**Senate Appropriations
Committee**
April 1, 2008

Executive Summary Only

An Act relating to open records and public meetings and providing an effective date.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2411
OPEN RECORDS AND PUBLIC MEETINGS**

DESCRIPTION

- Modifies current open records and public meeting laws under Chapters 21 and 22, Code of Iowa. Senate File 2411 creates the Iowa Public Information Board to provide an enforcement alternative for complaint proceedings. In addition, the Bill repeals criminal penalties under Chapter 22 and increases civil penalties for knowing violations.

APPROPRIATION

- Senate File 2411 establishes the Iowa Public Information Board (Board) and appropriates \$6,000 from the General Fund for travel and per diem costs for initial costs of the Board in FY 2009.

**NEW BOARD TRANSITION AND
PLANNING REPORT**

- The Board must be appointed by September 1, 2008, and must provide a report to the Governor and General Assembly on its goals, performance measures, and job description for the executive director before July 1, 2009. The Board may not begin hiring until FY 2010, but has the flexibility to hire attorneys, administrative law judges, and other personnel as necessary to execute its authority.

EXPECTED OPERATING COSTS

- Depending on the staffing needs determined by the Board and the caseload once the Board is operational, the expected operating costs, beginning in FY 2010, are as follows:
 - One time charges of \$104,000 for Iowa Communication Network setup and office furniture and equipment.
 - Ongoing support costs of \$56,000 to \$64,000 per year for office space, travel, training, and other administrative costs.
 - Salaries of \$423,000 to \$472,000 for 6.0 FTE positions.

PENALTIES FOR VIOLATIONS

- Senate File 2411 repeals the criminal penalties under Chapter 22 and increases civil penalties for a member of a government body that *knowingly* participates in a violation of the open records and public meetings laws to a minimum of \$1,000 and maximum of \$2,500. Under current law, the amount of penalties enforced is negligible, and it is unclear how many penalties would be imposed under the amended provisions. Penalties that are collected will be transferred to the Treasurer of State for deposit into the General Fund.

**FISCAL IMPACT FOR USE OF THE
OFFICE OF THE ATTORNEY
GENERAL**

- If the Board chooses to have the Office of the Attorney General (AG) handle cases going through judicial review, the expected fiscal impact on the AG Office will be approximately \$23,725 to \$47,450 for partial FTE position for an assistant attorney general to handle the work during the fiscal year. The Board has the option to use the AG Office or to represent itself in judicial proceedings.

LOCAL GOVERNMENTAL ENTITIES

- Estimated costs for local governmental entities to comply with the revised laws and to handle representation of its agencies under the amended laws and new enforcement mechanism cannot be determined.